

CF-1006
3

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO. 403 OF 2004

BETWEEN

C.S. Patel S/o Butu Ram Patel, aged about 53 years,
occupation Vaccinator/Multi Purpose Worker in the Health
Department, C.H.C. Chample district Raigarh (CG).

PETITIONER

AND

The State of Chhattisgarh, through the Secretary
Health Department, Matralay, Raipur, D.K.S. Building
Raipur.

~~Deputy~~ Director,
Health Services, O/O Directorate Health Services,
Chhattisgarh, Raipur (CG).

3. Chief Medical Officer, Raigarh .

4. Block Medical Officer,
Primary Health Centre Chaple, District Raigarh (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF
INDIA

P. R. No. 392/04
Presented by Shri Sanjay Chandra
dated 02.02.04
RECEIVED COPY
21.5.2.07
Clerk A. G. Bilaspur

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 403 of 2004

Petitioner : C.S. Patel

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Sunil Sahu, counsel for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the State.

ORAL ORDER

(1st August, 2006)

1. The petitioner was appointed as Vaccinator on 13.3.1971 under Small Pox Eradication Programme. As per circular dated 20.6.1984 (Annexure P-1) the Vaccinator was called as Multi Purpose Worker (Male) and Prasavika (ANM) was called as Mahila Swasth Karyakarta.
2. The State/respondents by circular dated 4.4.1989 (Annexure P-2) declared policy of the Government that the employees who were appointed as Swasth Sahayak before 1.4.1983 would be designated as Supervisor and other employees would be Multi Purpose Worker. The petitioner seeks relief in this petition, that the petitioner be declared as Supervisor and be granted pay scale of Supervisor, in view of the circular dated 4.4.1989 (Annexure P-2).
3. The State/respondents in their return have submitted that according to the letter dated 4.4.1989 all the Health Assistants appointed before 1.4.1983 by the Government, under Multi

Purpose Scheme were considered as Supervisor. It was further stated that the Health Assistants were holding high post with higher pay scale, than that of Vaccinator under Small Pox Eradication Programme. The petitioner was appointed as Vaccinator under National Small Pox Eradication Programme and was treated as Multi Purpose Worker under circular dated 20.6.1984. Thus the petitioner was not entitled to be declared as Supervisor under circular dated 4.4.1989 (Annexure P-2).

4. Having heard learned counsel for the parties and having perused the records appended to the petition, it is evident that the petitioner was appointed as Vaccinator in National Small Pox Eradication Programme in March 1971 and the petitioner was not Health Assistant but Multi Purpose Worker under circular dated 20.6.1984 (Annexure P-1), relied on by learned counsel for the petitioner. The second circular dated 4.4.1989 (Annexure P-2), on which the learned counsel lays emphasis for the purpose of declaring him as Supervisor as sought for in this petition, makes it very clear that only Health Assistants appointed prior to 1.4.1983 be declared as Supervisor.
5. Accordingly, this petition is devoid of merit and liable to be and is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gouri